

## **REMARKS**

### **Claim Amendments**

Claims 1-25 are pending in the present application. Claims 1, 3, 11, 12, 19 and 20 have been amended. New claims 21-26 have been added. Support for the added claims can be found, for example, in Figures 8-11 and related portions of the specification.

### **Claims fees**

One additional independent claim and six additional total claims are being added with the present submission. The Commissioner is authorized to charge the independent and total claims fees to deposit account no. 50-0922

### **Drawings**

In the Final Action of February 28, 2008 the Examiner objects to Figures 8-11 of the drawings. New figures have been filed by the Applicants on March 7, 2008. Applicants submit that the objections to the drawings have been overcome.

### **Claim rejections – 35 USC § 112**

In the Final Action of February 28, 2008, the Examiner rejects claims 1, 12 and 20 under 35 USC § 112, first paragraph because of the wording “substantially hemispherical.” While the Applicants do not agree with the conclusions of the Examiner, Applicants have amended claims 1, 12 and 20 to recite the alternative language “*curved*” to move the present application to grant. Applicants submit that the Examiner’s rejection has been overcome.

**Claim rejections – 35 USC § 103**

In the Final Action of February 28, 2008, the Examiner rejects claims 1, 3, 4, 8, 11 and 20 under 35 USC § 103 as being obvious over Aramant (U.S. Pat. No. 5,941,250) and Blake (U.S. Pat. No. 6,280,449). Applicants respectfully disagree.

Independent claims 1, 12 and 20 recite a “*frontally closed end portion*.” Both portions 110 in Aramant (see opening 118, 119 in Figure 9 and flared open shape of Figure 10) and 26 in Blake (see, e.g., Figure 2) are **necessarily** frontally open to allow frontal release of the retinal tissue (Aramant) or insertion of an implant (Blake). Therefore, Aramant and Blake cannot disclose a “*frontally closed end portion*” neither alone, nor in combination. It follows that independent claims 1, 12 and 20 and their dependent claims are patentable over Aramant and Blake.

**New claim 24**

New claim 24 recites “*release of [an] electrode array through [a] lateral opening*.” Both Aramant and Blake teach release through a frontal opening, not a lateral opening.

**Conclusion**

Applicants respectfully contend that all conditions of patentability are met in the pending application as amended. All amendments herein are made without prejudice. The Examiner is respectfully requested to pass the application to issue.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 50-0922. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-0922.

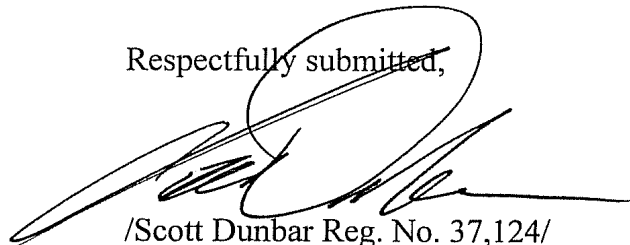
I hereby certify that this correspondence  
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(signature of person transmitting)

Respectfully submitted,



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